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BRINGING STATES TO JUSTICE FOR AVIATION TERRORISM

The article deals with the peculiarities of holding states responsible for their involvement in terrorism in the sphere of civil aviation. The key obligations imposed upon states in matters related to aviation terrorism, the salient features of attribution of an act of aviation terrorism to a state and ways of implementation of state responsibility have been determined and analyzed.

Keywords: international terrorism; aviation terrorism; terrorism in civil aviation sphere; international state responsibility; breaches of international obligations of a state; attribution of internationally wrongful acts to a state; implementation of state responsibility.

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Притягнення держав до відповідальності за авіаційний тероризм

Протягом минулого століття у мирний час цивільна авіація ставала об'єктом міжнародного авіаційного тероризму майже 600 разів. Це пояснюється стратегічним значенням авіації для міждержавних зв'язків, масштабами негативного економічного, політичного та соціального впливу актів авіаційного тероризму на декілька держав одразу та резонансом, який вони можуть викликати у світі. Саме тому запровадження ефективних засобів протидії цьому злочину стає дедалі актуальнішим для світової авіаційної системи та гарантування миру і безпеки в цілому.

Як зазначила Рада Безпеки ООН у Резолюції 2178, невиконання державами їхніх міжнародних зобов'язань у сфері боротьби з тероризмом має наслідком зростання у них рівня радикалізації і посилення відчуття безкарності. Держави здатні сприяти вчиненню актів міжнародного авіаційного тероризму, зокрема, шляхом їх організації, підтримки поведінки терористичних угруповань, а також через неспроможність або небажання попереджувати злочини або карати винних. У свою чергу, встановлення міжнародної відповідальності держав за участь у авіаційному тероризмі є одним із факторів стримування міжнародного тероризму в цілому.

У статті досліджуються особливості притягнення держав до міжнародної відповідальності за їх причетність до тероризму в сфері цивільної авіації. Зокрема, визначаються основні зобов'язання, які накладаються на державу в питаннях, пов'язаних з авіаційним тероризмом, аналізуються ключові аспекти атрибуції акту авіаційного тероризму державі і способи реалізації відповідальності держави.

Міжнародні зобов'язання держав, які пов'язані з міжнародним тероризмом, об'єднано у дві групи: зобов'язання за загальним міжнародним правом та зобов'язання, що визначені у рамках боротьби з тероризмом. Першу групу склали: незастосування сили та погрози силою, невтручання у внутрішні справи держав, заборона агресії; другу – попередження актів міжнародного тероризму, покарання винних за злочини тероризму в сфері авіації, співробітництво та вирішення спорів мирним шляхом.

Для притягнення держави до відповідальності за авіаційний тероризм необхідно довести, що діяння, яке порушує одне з вказаних зобов'язань, ставиться у провину цій державі. Саме тому у статті аналізуються підстави атрибуції діяння (дії чи бездіяльності) державі: активна участь держави у вчиненні злочину, підтримка або контроль осіб, які вчиняють злочин (у контексті цивільної авіації ця підстава атрибуції має набагато нижчий поріг контролю, ніж визначений у праві міжнародної відповідальності держав – т. з. правило «прихильності або підтримки» («*harbor or support*» rule)), визнання та прийняття поведінки таких осіб, ужиття надмірних заходів у боротьбі з тероризмом (такі заходи мають розглядатися у рамках міжнародного права прав людини).

У випадках, коли наявні обидва елементи, необхідні для настання міжнародної відповідальності держави, остання може бути притягнута до відповідальності шляхом закликання до відповідальності або зверненням постраждалої держави до контрзаходів.

Ключові слова: міжнародний тероризм; авіаційний тероризм; тероризм у сфері цивільної авіації; міжнародна відповідальність держав; порушення міжнародних зобов'язань держави; атрибуція міжнародно-протиправних діянь державі; імплементація міжнародної відповідальності держави.

Statement of the problem and relevance of the topic. Civil aviation is an easy, dramatic and newsworthy target for terrorists [1, p. 51]. Due to the global character of this industry, states of all regions are potentially vulnerable to interference with their air transportation systems. These interferences, in their turn, may affect the interests of several countries at a time and draw more attention than any other kind of terrorism. A single incident of aviation terrorism may cause hundreds of deaths, destroy equipment worth hundreds of millions of dollars and have a dramatic negative impact on the world economy, public confidence in air travel,

choice of destinations and airlines and the common perception of the everyday world. Therefore, civil aviation has been chosen as an effective stepping-stone for the achievement of terrorists' goals.

As it has been noticed by the United Nations Security Council (hereinafter – UNSC) in Resolution 2178, states' non-compliance with their counter-terrorism international obligations contributes to the increase in radicalization and fosters a sense of impunity [2, preamble]. In particular, states contribute to the commission of acts of aviation terrorism through the organization of such acts, support of somebody's conduct and failure to prevent or to punish perpetrators. Thus, bringing states to justice for their involvement in aviation terrorism is one of the deterrents of international terrorism as a whole.

Analysis of recent research and publications. In spite of the profound impact that the aviation industry has on international relations, international peace and stability, a little attention has been devoted to state responsibility for aviation terrorism. Instead, scholars have mainly been considering opportunities for holding states responsible for international terrorism (K. Trapp, V. Proulx, T. Becker). As regards matters of aviation terrorism, J. Duchesneau provided a comprehensive framework of this crime and its implications in various contexts.

With a brief consideration having been given by foreign doctrine and scarce attention of Ukrainian doctrine (only V. Antypenko devoted his attention to responsibility for international terrorism [3, pp. 86-87) on the issue reviewed, there is a need for thorough studies on state responsibility for aviation terrorism.

The purpose of the publication is to outline the framework of holding states responsible for aviation terrorism and set out the grounds of the successful implementation of state responsibility for aviation terrorism. Hence, ***tasks*** are to address the key elements necessary for state responsibility to come into life and to provide key procedures of implementation of state responsibility for aviation terrorism.

Presentation of the main material. Taking into consideration all the relevant characteristic features of this kind of international terrorism, for the purposes of this research, *international aviation terrorism* has been formulated as conduct or threat of conduct of a transnational offence or participation in it of a person that, by a ground attack, hijacking, an act of sabotage or suicide mission unlawfully, intentionally and violently endangers safety of or causes serious damage to any aviation facility, causes death or serious bodily injury to passengers, crew on board or gate agents with the purpose of intimidation of a population or compelling a government or international organization to do or to abstain from doing any act.

In view of crucial differences between acts of terrorism conducted in peacetime and wartime, the present article focuses on the acts of aviation terrorism occurred in peacetime.

Firstly, we will address the elements of state responsibility enshrined in Article 2 of the Articles on State Responsibility for Internationally Wrongful Acts (hereinafter – ILC Articles) elaborated on by the International Law Commission

(hereinafter – ILC). Secondly, we will touch upon ways of implementation of state responsibility.

To begin with, in order for a state to be held responsible for an act of aviation terrorism, this act should be looked at through lenses of attribution of it to a state and a breach of an international obligation of that state [4, Article 2].

An international obligation, as a normative rule, is primary in relation to the act, which, in turn, either may or may not be attributed to a state. Such normative rules are substantive rules of international law establishing rights and obligations for states involved in some activities on the international plane. Consequently, *violations of such rules may give rise to state responsibility*. Such obligations consist of two groups of state obligations – under general international law and under the counter-terrorism framework.

As regards the former group, it *maintains international peace and security*. In that regard, the most authoritative and well-regarded international instrument is, undoubtedly, the Charter of the United Nations (hereinafter – UN Charter). Some scholars (Alfred Verdross, Bruno Simma, Bardo Fassbender) even consider it to be a Constitution for International Community [5, p. 77].

In particular, Article 2 contains the core principles of international law that states should stick to. In fact, these are not only principles but also obligations further elaborated on by the United Nations General Assembly (hereinafter – UNGA) in Resolution 2625 (XXV) – Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations – and accepted by the UN Member States.

In view of these documents, the obligations relevant to the context of aviation terrorism are: 1) an obligation not to threaten or use of force; 2) an obligation not to intervene in internal affairs of other states; 3) an obligation to suppress acts of aggression or other breaches of peace.

The prohibition of threat or use of force in international relations is a customary international law rule reflected in the UN Charter and UNGA Resolution 2625 (XXV) [6, p. 97, para. 182, p. 99, para. 188, p. 101, para. 191]. In the context of this rule, the UNGA Resolution 2625 and the UNSC Resolution 748 (1992) have explicitly outlawed various forms of participation in international terrorism – organization, assistance, participation, instigation, acquiescence [7; 8, preamble].

The prohibition of intervention in matters within domestic jurisdiction is another customary rule proscribing organization, assistance, foment, financing, incitement or tolerance of terrorist activities [7; 9, p. 227, para. 162]. This principle reflects the right of a sovereign state to carry out its affairs without external interference and is of customary nature [6, p. 106, para. 202]. When specifying intervention in external or internal affairs of a state, the ICJ specified that the use of force in direct form (military action) and indirect form (support for terrorist activities) are cases of such an intervention [6, p. 108, para. 205].

The prohibition of acts of aggression, in its turn, does not explicitly mention acts of international terrorism. Nevertheless, aviation terrorism may amount either to a

breach of the peace or intervention in internal matters and within the meaning of aggression, could exist in the form of state sponsorship of terrorism [10, pp. 26-27], “the sending... of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force...” [11, Article 3(g)]. For instance, the 9/11 attacks are considered acts of aggression while being acts of aviation terrorism [12, p. 81; 13, p. 141].

The latter group, *dealing with the counter-terrorism framework*, imposes specific obligations upon states. They are connected with a specific nature of aviation terrorism and match the performance needed from countries.

In particular, the conventions addressing aviation terrorism form the core of the counter-terrorism framework in civil aviation sphere. They are: *Convention on Offences and Certain Other Acts Committed on Board Aircraft – Tokyo Convention 1963* (adopted 14 September 1963, entered into force 4 December 1969); *Convention for the Suppression of Unlawful Seizure of Aircraft – Hague Convention 1970* (adopted 16 December 1970, entered into force 14 October 1971); *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation – Montreal Convention 1971* (adopted 23 September 1971, entered into force 26 January 1973); *Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation – Montreal Protocol 1988* (adopted 24 February 1988, entered into force 6 August 1989); *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation – Beijing Convention 2010* (adopted 10 September 2010, entered into force 1 July 2018); *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft – Beijing Protocol 2010* (adopted 10 September 2010, entered into force 1 January 2018); *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft – Montreal Protocol 2014* (adopted 4 April 2014, not yet in force).

As regards obligations imposed by the aforementioned conventions, there are four types of them: 1) obligations to prevent acts of aviation terrorism; 2) obligations to punish perpetrators of acts of aviation terrorism; 3) obligations to cooperate (either in prevention or punishment); 4) obligation to settle disputes by peaceful means (in fact, provisions containing this obligation are compromissory clauses and are relevant for the implementation of state responsibility).

Prevention of acts of aviation terrorism is based upon the customary rule of international law formulated by the ICJ in the *Corfu Channel* case. It is an obligation for a state “not to allow knowingly its territory to be used for acts contrary to the rights of other states” [14, p. 22]. In other words, it requires due diligence from a state for it to avert any harm to other states originating from the territory of this state [15, pp. 140-141].

The duties of prevention are regarded as *duties of conduct* and not of result. Hence, application of best efforts of a state (due diligence in terrorism prevention) is more important than the provision of guarantees of a particular outcome of non-occurrence of acts of terrorism.

Due to the vague wording of this obligation stipulated by the conventions (“States Parties shall ... endeavour to take all practicable measures for the purpose

of preventing the offences...”), states have a wide margin of appreciation in choosing means at its disposal [15, p. 132] for non-tolerating acts of aviation terrorism. In addition, the UNSC and UNGA frameworks provide states with a roadmap of possible measures to be undertaken. For instance, the UNSC Resolution 1373 (2001) considers the *exchange of information* to constitute early warning of states and prevention of the commission of terrorist acts; *effective border controls, control over the issuance of identity and travel documents, preventing of counterfeiting, forgery or fraudulent use* of such documents it sees as measures to prevent the movement of terrorists [16, p. 2, para. 2(b)(g)].

Moreover, both UNGA and UNSC stressed the importance of non-acquiescence of terrorism in some way emanating from the territory of a state. In particular, in its Resolution 1373, the UNSC implied tolerating of aviation terrorism as passive support of it [16, p. 3, para. 6]. It should be noted that the toleration of terrorist activities (acquiescence and acceptance) does differ from the state’s failure to undertake all reasonable measures for the prevention of terrorism [15, p. 132]. Some scholars even suggest toleration of activities of terrorist groups in their territory as a state sponsorship in the form of omission [17]. In any event, it constitutes the breach of Article 2(4) of the UN Charter. Specifically, the UNSC referred to it in the course as to the negative obligation “to refrain from ... *acquiescing* in organized activities within its territory directed towards the commission of [terrorist] acts” (emphasis added) [8, preamble].

Hence, if a state does not prevent terrorism, in fact, it refuses to eliminate a terrorist threat emanating from its territory [18, p. 111].

Punishment of perpetrators of acts of aviation terrorism should take place regardless of identity and structure of offender (state, person, group of persons) [19, p. 13]. This obligation embraces obligations to criminalize offences considered as aviation terrorism and *make them punishable by severe penalties, to establish jurisdiction and to ensure offender’s presence for the prosecution, to prosecute or extradite* a perpetrator of an act of aviation terrorism and to grant a person under investigation *a minimum standard of treatment*. Predominantly, these issues are governed on a national level and, therefore, it is impractical to address them in the course of this article.

Moreover, if a state provides a safe haven for perpetrators of a terrorist act following its commission, it may be brought to justice both for the failure to prosecute or extradite and for the failure to prevent subsequent attacks [15, p. 353].

Provisions on co-operation comprise those on *mutual legal assistance*. “The greatest measure of assistance” includes an exchange of information, assistance in obtaining evidence necessary for the proceedings [15, p. 125] and leaves wide discretion of conduct to states. Furthermore, bilateral and multilateral treaties on mutual legal assistance in criminal matters supplement existing informal cooperation mechanisms [20, p. 79].

Once it had been established that an act constituted a breach of an international obligation of a state, the question of attribution of that act to that state should be considered in order for state responsibility to take place.

The *attribution* depends on a particular scenario present in a given situation [21, p. 4]. Hence, the scenario-specific aviation terrorism evidence may entail a type or types of attribution corresponding to Articles 4-11 of the ILC Articles. A state's role (organizer, a supporter, controller, a non-preventive party, etc.) is a key point in this regard. We have elaborated on the types of attribution relevant for aviation terrorism depending on the state's actions or omissions.

The category of *actions* covers a spectrum of state's involvement in aviation terrorism: organization, support or control, assistance, acknowledgement or acceptance of conduct, adoption of excessive counter-terrorism measures. The category of *omissions*, in its turn, deals with the state's failure to discharge obligations of prevention of acts of terrorism and of extradition or submission to prosecution individuals that are responsible for them. Therefore, in cases of non-prevention and non-punishment, the *state organs' failure to comply with its obligations* will engage state responsibility. Consequently, in the cases of omissions, state organ's conduct is to be under investigation (usually, under Article 4 of the ILC Articles). Thus, possible actions of a state are to be addressed.

A state's *active participation* in an act of aviation terrorism comes first. In general, the assumption of a *state's control over its officials* constitutes a basis for that state's responsibility [21, p. 56]. Therefore, attribution to a state of the conduct of any state organ (Article 4 of the ILC Articles) is a rule of customary international law [22, p. 202, para. 385].

State organs may be either *de jure* [23, para. 1] or *de facto* [23, para. 2]. While the former are governed by Article 4 of the ILC Articles, the latter is covered by Article 8 (dealing with state's support or control of perpetrators of a terrorist act; that is another type of state action considered below).

In regard to *de jure* state organs, they are individual or collective entities which make up the organization of the State and act on its behalf" [24, p. 31]. Furthermore, as it has been defined in Article 7 of the ILC Articles, a state is responsible for the *ultra vires* conduct (excess of authority or contravention of instructions) of an organ if it acted in an official capacity [4, Article 7]. However, in cases of actions in a purely private capacity state responsibility will not be invoked [24, p. 64].

Nevertheless, in the context of terrorism, *secret service agents act through covert operations*. Therefore, such state organs may appear as nationals engaged in private conduct [10, p. 35] that falls within the "support or control" actions.

In fact, the state's involvement in aviation terrorism through *direction, support or control of private conduct* is a widely discussed and complex aspect of attribution. This situation owes not only to the lack of precisely defined criteria for the attribution of conduct and case-specific circumstances but also to the lowered threshold of control established by the counter-terrorism framework.

In accordance with the customary law of international responsibility and Article 8 of the ILC Articles, *a state is responsible for acts of private individuals if it directed, controlled them* [4, Article 8; 22, pp. 207-208, para. 398], issued instructions to them so that their acts constituted a breach of that state's international obligations [22, p.

207, para. 397]. In this respect, the International Court of Justice (hereinafter – ICJ) and the International Criminal Tribunal for the former Yugoslavia (hereinafter – ICTY) elaborated on several tests applicable when assessing the degree of state's control over private actor's conduct sufficient for the triggering of imputation of responsibility to that state. These are *effective control test* (ICJ, the *Nicaragua* case [6, pp. 64-65, para. 115]) and *overall control test* (ICTY, the *Tadić* case (the *overall control test*) [25, p. 62, para. 145]).

For the purposes of state responsibility, the ICJ in the Bosnia Genocide case has rejected the overall control test as stretching “almost to breaking point” [22, p. 210, para. 406]. The effective control test, in its turn, was considered as a too strict one in the context of terrorism [10, p. 42].

In addition to that, terrorism is *lex specialis* providing that the attribution of acts of terrorism is based on a state's support, harbouring or tolerating the perpetrators of terrorist acts [23, para. 12]. Hence, the scope of state responsibility for private conduct has broadened significantly [26, p. 83].

It owes to the actions having been undertaken in response to aviation terrorism. Namely, the *threshold of control* formulated for the purposes of the law of state responsibility *has been lowered dramatically*. It is because the extent of permissible action used for combating terrorism depends on the harbouring state's level of support provided. If there is a mere acquiescence, only actions necessary to deal with the terrorist threat may be undertaken. On the contrary, if there is a provision of significant support, personnel and facilities involved may be subjected to an attack [18, p. 112]. Hence, the lowered standards are of great importance not for the definition of whether private actors were *de facto* agents of a state but rather of state's complicity in the unlawful conduct [26, p. 89].

This brings us to the consideration of Chapter IV of the ILC Articles on the responsibility of a state in connection with the act of another state. In particular, if there are aid, assistance, direction, control over the commission of an internationally wrongful state, or coercion, a state doing that will be held responsible [4, Articles 16-18]. The relaxed standards bring state's complicity in private conduct into proximity with that one in public conduct (that is, in accordance with the Articles 16-18 of the ILC Articles, significantly rank below the private one in hardness). Thus, there is a recast of private conduct [26, p. 90].

Following the explosion of Pan Am Flight 103 over Lockerbie (Scotland), the United Kingdom, the US and France made a declaration submitting that state responsibility should take place where a state has directly or indirectly participated in terrorist actions. By indirect participation they meant “*harbouring, training, providing facilities, arming or providing financial support, or any form of protection*” (emphasis added) [27, p. 3].

The UNSC upheld this vision and stressed that “those responsible for *aiding, supporting or harbouring* the perpetrators, organizers and sponsors of these [terrorist attacks] acts will be held accountable” (emphasis added) [28, p. 1, para. 3]. Albeit the Resolution cited provides no information regarding the types of

personalities that may be brought to justice, to our mind, states are implied to be responsible.

Thus, the framework of international terrorism has been formulating its own “*harbour or support*” rule [26, p. 92] for the attribution of terrorist act conducted by private actors to a state.

In the context of aviation terrorism, states may also *acknowledge and adopt someone’s conduct* (governed by Article 11 of the ILC Articles); some *insurrectional movements* that are to *become new governments of states or new states* may also acknowledge and adopt private conduct (Article 10 of the ILC Articles allows attribution of such conduct to a state).

Furthermore, when responding to terrorism and setting the counter-terrorism framework, states may *adopt excessive measures*. They influence human rights through the *criminalization of some legitimate activities* (expressions of opinion, lawful protests), *prevention* (use of force by law enforcement officers), *restrictions*. Moreover, issues of insurance of fair trial and protection of human rights during *prosecution* and *detention* (for instance, cases of indefinite incarceration of suspects, disregard of normal standards of proof in criminal proceedings, sanctioning of use of brutal interrogation techniques) are subjects of concern [29, pp. 95–96]. Excessive counter-terrorism measures, therefore, might threaten democracy [30, p. 81] and affect both human rights and the rule of law.

Hence, the issue of the state’s excess of powers should be reviewed in the framework of *international human rights law*. Thus, a state is to be responsible under the rules of international human rights treaties and international mechanisms for the protection of human rights. They stand out of counter-terrorism framework and, consequently, are not covered by the present article.

Finally, we would like to briefly outline the key ways of implementation of state responsibility.

Albeit *state responsibility does not depend on its invocation*, injured states may undertake actions to secure the performance of the obligations of cessation and reparation from the responsible state [31, p. 254]. To this end, they are allowed to invoke responsibility and/or to refer to countermeasures.

The invocation of responsibility takes a form of a *response to an internationally wrongful act*. It may comprise of a mere *reminder* of the need of the fulfilment of an obligation (in forms of protest, consultations), or an *official notice of a claim* to the responsible state [24, p. 280] with the specification of the conduct in question that should be taken and possible forms of reparation [4, Article 43].

Moreover, injured states can settle the dispute by peaceful means. For instance, the compromissory clauses of the counter-terrorism conventions’ on civil aviation listed above do hold the dispute settlement power in either reference to negotiations of submission the case to arbitration or, if the arbitration fails within six months, no the International Court of Justice (Convention on Offences and Certain Other Acts Committed On Board Aircraft (1963) – Article 24(1); Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (2010) –

Article 20(1), etc.). In addition, states may raise questions of aviation terrorism before the International Civil Aviation Organization (ICAO).

The ICJ has put an emphasis on “the right, and indeed the duty” to respond to acts of violence against its population within norms and principles of international law [32, p. 195, para. 141]. By this, it reaffirmed the opportunity to refer to *countermeasures*. Strictly speaking, there are several types of such measures: measures under general international law and measures under secondary rules on state responsibility.

General international law provides retorsions as lawful measures (for example, the suspension of air services agreements between the Bonn Declaration participants and Afghanistan (within the terms of that agreements) is a retorsion referred to in response to Afghanistan’s refusal to extradite hijackers of the Pakistan International Airline (PIA) flight in 1981 [10, p. 193–196]), *self-defence* (one of the most remarkable illustrations of the use of force addressing aviation terrorism is the United States’ recourse to the use of force in response to international terrorism after the 9/11 attacks) and the *UNSC’s enforcement* (for instance, the UNSC had established a sanctions regime for Al-Qaida and the Taliban by Resolution 1267 (1999)).

Measures under secondary rules on state responsibility, in their turn, are addressed in the ILC Articles (Article 22 and Chapter II of Part Two). They provide criteria that should be met in order for the conduct to be recognized as a countermeasure (and, hence, the conduct, which would otherwise be in breach of the international obligations of the State concerned, *in that case would be lawful*). In particular, 1) *proportionate* [33, p. 56, para. 85; 4, Article 51] countermeasures should be adopted 2) *responding to a previous internationally wrongful act* of another State and 3) *directed against it* [33, pp. 55–56, para. 83; 4, Article 49(1)] 4) *after* the call upon an offender to discontinue the wrongful conduct or to make reparation for it [33, p. 56, para.84; 4, Article 52(2)]. They do not terminate or suspend treaty relations between the parties concerned [24, p. 305; 4, Article 49(3)]. Thus, as soon as the State responsible for an internationally wrongful act has complied with its obligations, the countermeasures should be ceased [4, Article 53].

For example, In the case of the Rome and Vienna attacks in 1985 year, the United States (as an injured state) imposed on Libya (believed of having provided support for the attacks and sanctuary to terrorists) countermeasures in the form of economic sanctions: prohibition of trade and certain business transactions with Libya by US persons, a freeze on the Libyan Government’s assets. These measures were contrary to the agreements between the states and, thus, were countermeasures [10, pp. 198–199].

Conclusions. To sum up, bringing to justice states involved in international terrorism in aviation sphere is a real deterrent to the process of spreading of this crime over the world. In that respect, both primary and secondary rules on state responsibility are significant: the former provides a framework for states’ actions, the latter prescribes consequences of actions breaching international obligations of states. The article addressed the key principles and concepts necessary for and delineated ways of the implementation of state responsibility for aviation terrorism.

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Привлечение государств к ответственности за авиационный терроризм

В статье рассматриваются особенности привлечения государств к ответственности за их причастность к терроризму в сфере гражданской авиации. Определяются и анализируются основные обязательства, налагаемые на государства в вопросах, связанных с авиационным терроризмом, характерные особенности присвоения акта авиационного терроризма государству и способы осуществления ответственности государства.

Ключевые слова: международный терроризм; авиационный терроризм; терроризм в сфере гражданской авиации; международная ответственность государств; нарушения международных обязательств государства; присвоение международно-противоправных деяний государству; имплементация международной ответственности государства.

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